



U. S. Army Corps  
of Engineers  
Honolulu District

# Public Notice

Public Notice No. 200100245

Dated: October 17, 2001

Reply to: U.S. Army Corps of Engineers  
Guam Regulatory Branch  
PSC 455, Box 188  
FPO AP 96540-1088

Respond By: November 17, 2001

## APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 200100245

1. APPLICANT: CNMI Office of Public Lands

APPLICANT'S AGENT: EFC Engineers and Architects

2. APPLICABLE STATUTORY AUTHORITIES: Section 404 of the Clean Water Act (33 U.S.C. 1344).

3. LOCATION OF PROPOSED ACTIVITY: Tanapag Village area, Saipan, CNMI

4. DESCRIPTION OF PROPOSED ACTIVITY: The applicant proposes to discharge fill material into waters of the United States in order to allow construction of access roads to 273 homestead lots on a parcel of public land 55.52 hectares in size. The access roads will occupy 12.3% of the site and the homestead lots will occupy about 42% of the site. The remaining 45.7% will remain undeveloped. The project would involve fourteen road crossings over/through wetlands and streams, the construction of three sediment control basins in intermittent streams and one road crossing and a ponding basin in a stream. The stream/wetland crossings would involve a discharge of a total area of 5,787 Square Meters (SM) of fill, the ponding basins would involve the discharge of 738 SM of fill and the combination crossing/ponding basin would involve 2,091 SM of fill.

All work would conform to the attached drawings (15 sheets) entitled "Tanapag Heights Subdivision" dated 2-23-01.

5. IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT: The primary impacts associated with this project are the loss of wetland and stream habitat. The streams directly involved are primary first order intermittent streams that are not likely used by aquatic vertebrate species. Erosion road and subdivision construction activities could lower the water quality and smother any fauna in the streams and wetlands. There is a public water supply diversion structure on one stream that could be impacted if sediments are allowed into that stream. The sediment transport is proposed to be controlled by limited seasonal construction project phasing and the use of silt fences and fabric matting. The development of the roads and the subsequent development of the lots will result in a loss of habitat for the two federally listed endangered species, the Guam Swiflet (*Collocalia bartschi*) and the Nightingale Reed-Warbler (*Acrocephalus luscini*). About 80% of the site consists of Akina-Badlands Complex on 30 to 60% slopes and Takpochao-Rock Outcrop Complex soils also on 30 to 60%

slopes. These soils are described in Natural Resource Conservation Service Soil Survey as being unsuited to homesite development due to steepness of slope. The Akina Badland Complex, about 70% of the site, is also described as having the potential for very severe erosion. The environmental impacts are described in more detail in the environmental assessment prepared by the applicant. The development of the 273 homestead lots will be left to the individual landowners. These lots are closer to the major streams; therefore, any uncontrolled sedimentation could have greater impacts on the stream environments than construction of the roads. The project is not expected to have any impact on the Essential Fish Habitat zone in the CNMI.

6. IMPACTS ON CULTURAL RESOURCES: The latest National Register of Historic Places was consulted. No historical or archaeological sites listed on or considered eligible for inclusion on the National Register are located at the proposed project site. A copy of this notice was sent to the CNMI Historic Preservation Office and the U.S. National Park Service for their review and comment in conformance with Section 106, National Historic Preservation Act.

7. IMPACTS ON ENDANGERED SPECIES: Based on the latest list of threatened and endangered species, two listed species are found in or over this area, the Guam Swiflet (*Collocalia bartschi*) and the Nightingale Reed-Warbler (*Acrocephalus luscini*). A copy of this notice was sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for their review and comment in conformance with Section 7 of the Endangered Species Act.

8. OTHER GOVERNMENT AUTHORIZATIONS: The applicant is required to obtain the following certifications prior to the issuance of the Department of the Army Permit:

a. Federal Coastal Zone Consistency Determination from the CNMI Coastal Zone Management Office (CRMO). CRMO permit SMS-2001-X-109 has been issued for this project.

b. Section 401 Water Quality Certification from the CNMI Department of Environmental Quality.

The Department of the Army permit does not obviate the need for the applicant to obtain other Federal, State or local authorizations required by Federal, State or local laws.

9. EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership

and, in general, the needs and welfare of the people. The evaluation will apply the guidelines promulgated by the Administrator, U. S. Environmental Protection Agency, under authority of Section 404(b)(1) of the Clean Water Act.

**10. COMMENTS AND INQUIRIES:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Interested parties may submit in writing any comments that they may have on the proposed activity. Comments should be submitted to this District no later than 30 days from the date of this notice. Written inquiries and comments should be mailed to the address indicated in the letterhead and should make reference to this public notice number.

Further information may be obtained from the Guam Regulatory Branch, U.S. Army Corps of Engineers, PSC 455, Box 188, FPO AP 96540-1088 or by telephone (671) 339-2108, by fax at (671) 339-2306 or by e-mail at:

**Francis.M.Dayton@usace.army.mil**

It is Corps of Engineers policy that any objections will be forwarded to the applicant for resolution or rebuttal before a final decision is made on the application. If the objecting party so requests, all personal information will be deleted from the forwarded letter or the objections will be paraphrased in summary form.

**11. REQUEST FOR PUBLIC HEARING:** Within 30 days from the date of this notice, any person may request, in writing, that the U.S. Army Corps of Engineers, Honolulu District, hold a public hearing to consider this Department of the Army permit application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

Encl  
Drawings (14 sheets)